

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

LIBERTARIAN PARTY OF TENNESSEE, )  
ANTHONY WALL, GREEN PARTY OF )  
TENNESSEE, KATHLEEN A. CULVER, )  
CONSTITUTION PARTY OF )  
TENNESSEE and JOAN CASTLE, )

Plaintiffs, )

v. )

Case No. 3:08-0063

Judge Haynes

MARK GOINS, Coordinator of )  
Elections for the State of Tennessee, and )  
TRE HARGETT, Secretary of State for the )  
State of Tennessee, )

Defendants. )

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**ATTACHMENT**

**EXHIBIT B**

**TO**

**DEFENDANTS' RESPONSE IN OPPOSITION TO PLAINTIFFS' MOTION  
FOR SUMMARY JUDGMENT**

**Constitution Party of Tennessee's Supplemental Response to Defendants' First Set of  
Interrogatories and Request for Production of Documents**

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

LIBERTARIAN PARTY OF TENNESSEE, )  
ANTHONY WALL, GREEN PARTY OF )  
TENNESSEE, KATHLEEN A. CULVER, )  
CONSTITUTION PARTY OF TENNESSEE, )  
and JOAN CASTLE, )

....Plaintiffs, )

Case No. 3: 08-0063

Judge Haynes

v. )

BROOK THOMPSON, Coordinator of )  
Elections for the State of Tennessee; and )  
TRE HARGETT, Secretary of State )  
for the State of Tennessee, )

....Defendants. )

**PLAINTIFF CONSTITUTION PARTY OF TENNESSEE'S SUPPLEMENTAL  
RESPONSE TO DEFENDANTS' FIRST SET OF INTERROGATORIES AND  
REQUEST FOR PRODUCTION OF DOCUMENTS**

COMES now the Plaintiff, Constitution Party of Tennessee, by and through its counsel of record, and by a duly authorized officer or agent, in accordance with Fed.R.Civ.P. 33 and 34, offers its supplemental response to Defendants' First Set of Interrogatories and Request for Production of Documents, as follows:

1. Please identify any and all persons who have assisted you in providing answers to these discovery requests or provided you with any portion of the information and/or documents provided in response to these discovery requests.

**ANSWER:**

Darrell L. Castle, 3100 Walnut Grove Rd., #610, Memphis, TN 38111  
(901) 327-2100

Richard Winger, P.O. Box 470296, San Francisco, CA 94147  
(415) 922-9779

James C. Linger, 1710 South Boston Avenue, Tulsa, OK 74119-4810  
(918) 585-2797

4. Please identify with specificity every state where the Constitution Party has been recognized as a statewide political party at any time during the past twenty years and all the requirements the Constitution Party had to meet in each state to obtain such recognition.

ANSWER:

Alaska: 1992 by petition of 1% of the last pres. vote; 1996 same; 2000 same; starting in 2004 and continuing, the Alaskan Independence Party has practically functioned as the Alaska state affiliate of the Constitution Party—having sent representatives to the National Constitution Party Convention, and it has been on automatically by having registration of 3% of the last gubernatorial vote.

Arkansas: 1992, on by request (president only); 1996 on for president only, by petition of 1,000 names; 2000 same; 2004 same; 2008 same.

California: on continuously since 1992 (state affiliate is called American Independent Party) by polling 2% for any statewide race in midterm years, or by having registration membership greater than 1% of the last gubernatorial vote cast. However, in 2008, the Secretary of State recognized another faction of the State party that does not consider itself affiliated with the Constitution Party.

Colorado: 1992, on for president by paying \$500; 1994 by 1,000 signatures; 1996 same as 1992; 1998 through present continuously on by always polling 1% for a statewide office at either of the last two elections.

Connecticut: state affiliate is called Concerned Citizens Party. 1996 on by petition of 7,500 names; 1998 on automatically for some statewide offices due to polling over 1% for those same offices in 1994; 2000 by petition of 7,500 names; 2002 on automatically for some statewide offices due to 1994 vote; 2004 by petition of 7,500 names; 2006 by petition of 7,500 names for some statewide offices and on automatically for other statewide office.

Delaware: on continuously 1996 to present because has registration of one-twentieth of 1% of state registration total.

Florida: on continuously 2000 to present because it submits a list of its party officers with Secretary of State.

Hawaii: 1996 on due to submitting a petition of 1% of the registered voters; 2000 on due to submitting a petition of one-tenth of 1% of the registered voters; 2008 same.

Idaho: 1996 on due to a petition of 2% of the last pres. vote; on continuously ever since because it runs 3 candidates every election year.

Illinois: 1996 on due to a petition of 25,000 names. In 2008, the party once again got on by petition.

Iowa: 1992 on with a petition of 1,000 names; 1996 on with a petition of 1,500 names; 2000 same; 2004 same; 2008, same.

Kansas: 1998 on due to petition of 2% of last gub. vote; 2000 on automatically by polling over 1% for a statewide office in last election; 2002 on automatically since Kansas doesn't apply the vote test in presidential years in which no other statewide office is on the ballot (however, party didn't run any candidates in 2002). In 2008, the ballot-qualified Reform Party of Kansas functioned as the State affiliate of the Constitution party.

Kentucky: 1992 on due to petition of 5,000 names; 1996 same; 2000 same; 2004 same; 2008, same.

Louisiana: 1992 on for president only by paying \$500; 1996 same; 2000 same; 2004 same; 2008 on for president only by paying \$500.

Maine: 1992 on with petition of 4,000 names; 1996 same; 1998 same; 2000 same; 2004 same.

Maryland: 1996 on with petition of 10,000 names; 2000 same; 2004 same; 2006 on automatically since one petition is good for two elections. 2008 on with petition of 10,000 names.

Massachusetts: 1992 its affiliate Independent Voters Party on by polling over 3% for a statewide office in 1990. 2008, the party petitioned (10,000 signatures).

Michigan: 1992 its affiliate Tisch Independent Citizens Party on by polling over 1% of winner's vote in 1990; 2000 on by petition of 1% of last gub. vote under the Constitution party's previous name of U.S. Taxpayers Party; on continuously ever since by polling 1% for any statewide office, except the party repetitioned in 2002 because it hadn't gotten 1% of the winning candidates' vote for its 2000 presidential candidate party. The party has been on continuously in Michigan ever since 2002 because the vote test was eased and it now applies to any statewide candidate, and starting in the 2002 election, the Constitution party has always met that test.

Minnesota: 1992 on by petition of 2,000 names; 1996 same; 1998 same; 2000 on automatically by polling 5% for a statewide office in previous election; 2000 on by petition of 2,000 names; 2004 same; 2006 same; 2006, same; 2008, same.

Mississippi: on continuously 1992 to the present by filing a list of state party officers with the Secretary of State.

Missouri: 1996 by petition of 10,000 names; 2000 same; 2004 same; 2008 by petition of 10,000 names.

Montana: 2000 by petition of 5,000 names; 2002 same; 2004 same; 2006 same. On automatically in 2008 by having polled more than 5% of winner's vote for a statewide office in 2006.

Nebraska: its state affiliate, the Nebraska Party, on in 2002 by petition of 1% of last gub. vote; party has been on continuously through 2008 due to polling 5% (of statewide US House vote) for any office. The Nebraska party went off the ballot after 2008.

Nevada: its state affiliate, the Independent American Party, has been on continuously 1992 to the present due to polling 3% (prior to 1993) and 1% (of the US House vote total in the state) for any office.

New Hampshire: 2000 by petition of 3,000 names.

New Jersey: 1992 by petition of 800 names; 1996 same; 2000 same; 2004 same; 2008 by petition of 800 names.

New Mexico: 1992 by petition of one-half of 1% of last gub vote; 1996 same; 2000 same; 2004 same; 2008 by petition of one-half of 1% of last gub. vote. .

New York: 2000 by petition of 15,000 names.

North Dakota: 2000 by petition of 7,000 names; 2004 by petition of 4,000 names; 2008 by petition of 7,000 names.

Ohio: 2008 placed on ballot by Court order.

Oregon: 1996 by petition of 1.5% of last gub. vote; 2000 same; on continuously since then by polling 1% for a statewide office.

Pennsylvania: 1994 by petition of 2% of winner of judicial election in prior odd year; 1996 same; 1998 same; 2000 same; 2004 same.

Rhode Island: 1996 by petition of 1,000 names; 2000 same; 2004 same; 2008 by petition of 1,000 names.

South Carolina: its original affiliate, the American Party, was already ballot-qualified since before 1992 by its petition of 10,000 names in 1970. The American Party changed its name to the US Taxpayers Party and then changed it again to Constitution Party, and has been continuously qualified by running one candidate every four years.

South Dakota: 2004 by petition of 2.5% of the last gub. vote; 2006 because parties that petition in presidential election years are automatically also on in the next mid-term year; 2008 by same party petition.

Texas: 1996 by petition of 1% of previous gub. vote.

Utah: 1992 by petition of 500 names; 1996 same; 2000 the already-ballot qualified Independent American Party became state affiliate; 2004 by petition of 2,000 names; 2006 by petition of 2,000 names; on automatically in 2008 by polling 2% for statewide office in previous election.

Vermont: 1996 by being organized in 10 towns; 2000 same; 2008 same.

Virginia: 1996 by petition of one-half of 1% of registered voters; 2000 by petition of 10,000 voters; 2004 same; 2008 the independent Green party nominated the Constitution party's presidential candidate and did the 10,000 signature petition.

Washington: 1992 by meeting of 200 voters; 1996 same; 2000 same; 2004 by petition of 1,000 names; 2008 by petition of 1,000 names.

Wisconsin: 1994 by petition of 10,000 signatures; continuously on afterwards through 2006 election by polling 1% for a statewide race in midterm years. In 2008, by petition of 2,000 names—which does include a political party label.

5. Please identify with specificity all instances where the Constitution Party has had a candidate on the ballot at either the August or November election in Tennessee for the past forty years, including the name of the candidate, the office sought and the percentage of votes received by each such candidate.

ANSWER:

We have never had anyone except presidential candidates run as Constitution Party candidates since we were not able to get them on the ballot as CP. People who associate themselves with our group have run as independents for local office, state house and senate seats, but I have no idea who, where or when they ran.

The following information was provided to me by Richard Winger

1992: Howard Phillips, president, .03%

1996: Howard Phillips, president, .10%

2000: Howard Phillips, president, .05%

2004: Michael Peroutka, president, .11%

2008: Chuck Baldwin, president, .32%

2009: Constitution Party had a candidate (Christopher Brown) in a special election for the Legislature on October 13, 2009, in State House District 62, 2.9%.

13. Please identify with specificity the officers, if any, of the Constitution Party of Tennessee, including their names, addresses, date of election or appointment and terms of office.

ANSWER:

Joan Castle, former Chairman, current Vice Chairman, 2586 Hocksett Cove,  
Germantown, TN 38139  
Elected in 2000 (3 terms)

Jim Headings, former Vice Chairman, current Chairman, 316 Barger Branch Road,  
Englewood, TN 37329  
Elected in 2000 (3 terms)

VERIFICATION OF ANSWERS

I, Joan Castle, after being duly sworn in accordance with the law, make oath that I am the affiant, and that I am duly authorized for the purposes of answering these interrogatories and making this verification, that I have provided the answers to these interrogatories upon such information as is available to me and that such answers are true, correct, and complete to the best of my knowledge, information, and belief.

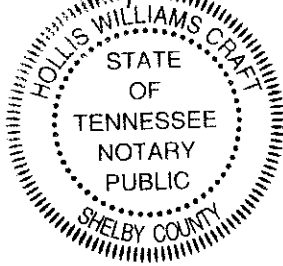
Joan Castle  
Joan Castle [name]  
Vice Chairman [position]  
Constitutional Party of Tennessee

Sworn to and subscribed before me this 8<sup>th</sup> day of January, ~~2009~~ 2010

Hollis W Craft  
Notary Public

Commission and Expiration:

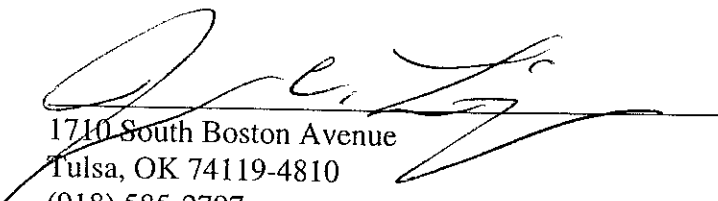
expires 4/17/2010  
(SEAL)





Respectfully submitted this 11<sup>th</sup> day of January, 2010.

JAMES C. LINGER, OBA#5441  
Counsel for Plaintiffs

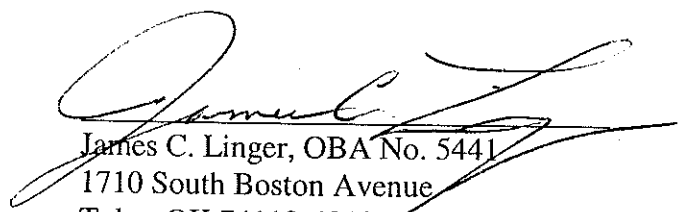


1710 South Boston Avenue  
Tulsa, OK 74119-4810  
(918) 585-2797  
(918) 583-8283 Facsimile  
[bostonbarristers@tulsacoxmail.com](mailto:bostonbarristers@tulsacoxmail.com)

CERTIFICATE OF SERVICE

I hereby certify that on this 11<sup>th</sup> day of January, 2010, a true and correct copy of the  
above and foregoing responses were served at:

JANET KLEINFELTER,  
Senior Counsel  
Office of Tennessee Attorney General  
P.O. Box 20207  
Nashville, TN 37202-0207  
[janet.kleinfelter@state.tn.us](mailto:janet.kleinfelter@state.tn.us)  
*Counsel for Defendants*



James C. Linger, OBA No. 5441  
1710 South Boston Avenue  
Tulsa, OK 74119-4810  
(918) 585-2797  
(918) 583-8283 Facsimile  
[bostonbarristers@tulsacoxmail.com](mailto:bostonbarristers@tulsacoxmail.com)

Darrell L. Castle, TNB No. 6863  
Darrell L. Castle & Associates  
3100 Walnut Grove, Suite 610  
Memphis, TN 38111  
(901) 327-2100  
(901) 458-9443 Facsimile  
[dlc2586@aol.com](mailto:dlc2586@aol.com)  
*Counsel for Plaintiffs*